



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

July 20, 2012

Ms. Tinka Hyde
Director, Water Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Dear Ms. Hyde:

Re: Submission of Indiana's Antidegradation
Standards and Implementation Procedures Rule

IDEM's Office of Water Quality is pleased to submit for U.S. EPA's approval, Indiana's Antidegradation Standards and Implementation Procedures rule. The final rule was signed by Governor Mitchell E. Daniels Jr. and filed by the Publisher of the Indiana Register on May 29th. The rule became effective as a state rule on June 28, 2012.

Per 40 CFR 131.6 we are submitting the rule, comments received on the rule, IDEM's responses to the comments received, and the Indiana Attorney General's certification that the rule was duly adopted pursuant to State law. Additionally, as this rule development was guided by the requirements of existing state law and relies on existing rules and policy, the following supporting documentation is provided on the enclosed CD to show IDEM's technical/scientific/policy rationale for the proposed rules:

- Indiana Code Citations regarding Antidegradation
- Guide to Key Rule Citations Referenced in Indiana's Antidegradation Standards and Implementation Rule, 327-IAC 2-1.3
- Indiana's Outstanding State Resource Waters (OSRWs)
- State of Indiana Species Listed, in rule, as State Endangered by the Indiana Department of Natural Resources
- Natural Resources Commission Information Bulletin #2 as approved by the Indiana Natural Resources Commission
- Endangered Species Act Critical Habitat Designations in Indiana

If you have questions about the rule or any of the documentation provided, please contact me at mclark@idem.IN.gov or 317-232-8402. We look forward to your quick review and approval of this significant rule which protects the high quality waters of Indiana.

Sincerely,

Martha Clark Mettler
Deputy Assistant Commissioner
Office of Water Quality

Enclosures





STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

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GREG ZOELLER
INDIANA ATTORNEY GENERAL

July 13, 2012

Thomas W. Easterly, Commissioner
c/o John Nixon, Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

RE: Attorney General Certification

Dear Commissioner Easterly:

I hereby certify, on behalf of the Office of Attorney General, and in accordance with the Clean Water Act as amended and 40 CFR § 131.6, that in my opinion the Antidegradation Rule (LSA # 08-764(F)) submitted by the Indiana Department of Environmental Management has been duly adopted and is enforceable under the laws of the State of Indiana. The specific rulemaking authorities are contained in statutes and rules that are lawfully adopted at the time this certification is being provided.

I have also enclosed a copy of my delegation of authority for your reference.

Sincerely,

A handwritten signature in cursive script, reading "Matt Light".

Matt Light
Deputy Attorney General and Chief Counsel – Advisory Division
Office of Indiana Attorney General Greg Zoeller



STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

GREG ZOELLER
INDIANA ATTORNEY GENERAL

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DELEGATION OF AUTHORITY

According to IC 4-6-5-1 and pursuant to IC 1-1-4-1(5), I hereby delegate authority to **MATTHEW J. LIGHT**, Deputy Attorney General and Section Chief, Advisory Section, to sign on my behalf the following:

- any certifications or other documents required by any federal statute or regulation to be signed by the Attorney General of this State;
- any certifications or other documents required by any state statute, rule, or local ordinance to be signed by the Attorney General of this State;
- contract form approvals to be granted by the Attorney General of this State pursuant to IC 4-13-2-14.3(e);
- opinions of counsel when required to be issued by the Attorney General of this State in connection with financing transactions by bodies corporate and politic, the Indiana Finance Authority, or in connection with any other transaction requiring the Attorney General of this State to issue an opinion of counsel;
- to administer oaths of office to deputy attorneys general pursuant to IC 4-6-1-4 and IC 4-6-5-2;
- Voluntary Remediation Covenants not to Sue authorized by IC 13-25-5-18;
- contract form and legality to be signed by the Attorney General of this State pursuant to IC 4-13-2-14.3; and
- administrative rule approvals for form and legality to be signed by the Attorney General pursuant to IC 4-22-2-32.
- Memoranda of Understanding with state agencies or instrumentalities of the State regarding legal services to be provided by the Office of the Attorney General.

This delegation of authority shall be effective as of June 22, 2011, and shall be effective for only so long as I am the Attorney General of Indiana and Matthew J. Light occupies his current position, or until such time as I may specifically revoke this delegation.

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958 98